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7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE NORTHERN DISTRICT OF CALIFORNIA

9
10 UNITED STATES OF AMERICA,) No. CR 12-217 WHA
11 Plaintiff,) **STIPULATION AND ~~PROPOSED~~
12 v.) ORDER MODIFYING BRIEFING
13 ROY LIN AND JOHN LIN,) SCHEDULE ON DEFENDANTS'
14 Defendants.) PRETRIAL MOTIONS

Date: November 20, 2012
Court: The Honorable William H.
Alsup**

16 The parties hereby stipulate and agree as follows:

- 17 1. This matter is currently set for a hearing on Defendants' Motion to Suppress,
Motion to Strike, and Motion for a Bill of Particulars on November 20, 2012 at
19 2:00 p.m. before the Honorable William H. Alsup;
20 2. The parties continue to be actively engaged in settlement discussions, with offers
21 and counteroffers having been exchanged. As the defendants are green card
holders, defense counsel need additional time to pass prospective plea agreements
23 to outside-hired immigration attorneys to ensure that defense counsel each meets
his or her obligation to advise his or her client of the immigration-related
25 consequences of the defendants' pleas, pursuant to *Padilla v. Kentucky*, 130 S. Ct.
26

1 1473 (2010). This additional consultation is the reason for the requested
2 continuance, and the defendants are requesting a two week continuance for this
3 purpose;

4 3. According, to ensure the interests of justice and judicial efficiency, and to further
5 advance plea negotiations, defendants request the following two week
6 modification to the briefing schedule:

7 Motions Filed: September 18/19, 2012;

8 Responses Due: November 6, 2012;

9 Replies Due: November 20, 2012

10 **HEARING DATE: December 4¹¹, 2012 at 2:00 p.m.**

11 The parties further stipulate that because motions are currently filed and pending
12 before the Court, time is automatically excluded under the Speedy Trial Act.

13 4. The parties further stipulate that if a final global disposition is reached prior to the
14 December 4¹¹, 2012 hearing, the parties will so inform the Court and request that
15 the Court convert the motions hearing date to a change of plea date.

16 IT IS SO STIPULATED.

17 Dated: October 16, 2012

18 _____ /S/
19 ELIZABETH M. FALK
ASSISTANT FEDERAL PUBLIC DEFENDER
COUNSEL FOR JOHN LIN

20 Dated: October 16, 2012

21 _____ /S/
22 PATRICK ROBBINS
COUNSEL FOR ROY LIN

23 Dated: October 16, 2012

24 _____ /S/
25 KYLE WALDINGER/HALLIE HOFFMAN
26 Assistant United States Attorneys

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2
3 **[PROPOSED] ORDER**

4 For the reasons set forth above, and based on counsel's representation as to the reason for
5 the requested continuance, the briefing schedule on Defendants' Motion for A Bill of Particulars,
6 Motion to Suppress, and Motion to Strike is hereby MODIFIED as stated in this stipulation. The
7 hearing date of November 20, 2012 shall be VACATED and a new motions hearing date is
8 hereby set of **December 4, 2012 at 2:00 p.m.** The parties are on notice that no further extensions
9 will be granted.

10 **IT IS SO ORDERED.**

11 DATED: October 17, 2012.

